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Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Note verbale dated 20 March 2015 from the Permanent Mission of the Republic of Turkey to the United Nations Office at Geneva and other international organizations in Switzerland addressed to the Office of the United Nations High Commissioner for Human Rights

The Permanent Mission of the Republic of Turkey to the United Nations Office at Geneva and other international organizations in Switzerland presents its compliments to the Office of the United Nations High Commissioner for Human Rights, and has the honour to convey a copy of a letter dated 12 February 2015 by the Minister of Foreign Affairs of the Turkish Republic of Northern Cyprus, Özdil Nami (see annex), which reflects the Turkish Cypriot views on the "report of the Office of the High Commissioner on the question of human rights in Cyprus (A/HRC/28/20) submitted to the Human Rights Council at its twenty-eighth session.

The Permanent Mission of the Republic of Turkey would appreciate it if you could circulate the present note verbale and the annex thereto* as a document of the twenty-eighth session of the Human Rights Council.

* Reproduced as received, in the language of submission only.

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Annex

[English only]

I have the honour to refer to the Report of the Office of the United Nations High Commissioner for Human Rights on the question of human rights in Cyprus (A/HRC/28/20) which was circulated on 23 January 2015 and to bring to your kind attention the following facts and considerations:

With reference to the inclusion of recent developments to the "Introduction" section of the Report, which tries to reflect the situation in the Island, it is necessary to elaborate on various points which require clarification.

At the outset, I would like to stress that Paragraph 5 of the report poses the risk of reflecting the reasons behind the suspension of the talks solely from the Greek Cypriot perspective.

As you would recall, negotiations on the Island between the two sides resumed on 11 February 2014 with the Joint Declaration agreed upon by the two Leaders. However, the comprehensive settlement in Cyprus have suffered a setback since the Greek Cypriot leader Mr. Anastasiades decided on 6 October 2014 to suspend his participation in the negotiations citing the disagreement on the hydrocarbon issue. The Greek Cypriot side's decision to withdraw from the negotiations proves the lack of sincerity on the part of the Greek Cypriot leadership particularly at a time of critical juncture when the two parties had decided to move into the next phase of negotiations where they would be able to make real progress through real negotiations.

The Turkish Cypriot people, as one of the two equal partners on the island of Cyprus, have equal and inherent rights over the existing natural resources within the maritime jurisdiction area of the Island, and that they have as much of a say as the Greek Cypriot leadership over all decisions to be taken regarding the exploration, exploitation and exportation of the hydrocarbon reserves.

As the Turkish Cypriot side, we are of the firm belief that all work related to the assessment of the natural resources around the Island, which belong equally to both communities, should be conducted in cooperation between the two sides on the basis of the principle of fairness and equity. To this end, the Turkish Cypriot side's proposals made in 2011 and 2012, which aim at creating a culture of cooperation between the Turkish Cypriots and Greek Cypriots, are still valid and on the table.

While the Greek Cypriot side attempts to decouple the issue of the exploration and exploitation of natural resources from the comprehensive settlement negotiations, it uses the issue in order to justify its withdrawal from the negotiating table. This is a clear contradiction. The Turkish Cypriot side continues to be committed to structured, result-oriented negotiations as foreseen by the Joint Declaration of 11 February 2014, and expects Greek Cypriot side to immediately return to the negotiating table without any preconditions in order to resolve all outstanding issues, including the hydrocarbons issue. Therefore, the Turkish Cypriot side expects the future reports to encompass the position of the Turkish Cypriot side as well, in line with the United Nations principle of impartiality.

As regards the main body of the Report, it should be underlined, once again, that the references to the so-called "Government of the Republic of Cyprus" reflect neither the realities nor the legal position on the Island. Ever since the forcible expulsion of the Turkish Cypriot co-founding partner from the 1960 partnership Republic, there has been no

constitutional Government representing both peoples of the Island. The Turkish Cypriot people did not accept the forceful takeover of the partnership State by the Greek Cypriot side in 1963 and, through their decisive resistance, prevented the Greek Cypriot side from extending its authority over them. Hence, since December 1963, there has not been a joint central administration on the Island, capable of representing both peoples, either legally or factually. Each side has since ruled itself, while the Greek Cypriot side has continued to claim that it is the "Government of Cyprus".

The continuous references in the Report to the Turkish Cypriot authorities as "the de facto authorities in the northern part of the Island" are unacceptable and contradict to the established UN terminology. It should be born in mind that the UN Secretary-General and his Secretariat in New York deem it fit to acknowledge the realities on the Island and make reference to Turkish Cypriot authorities in official UN documents. Therefore, referring to the Turkish Cypriot authorities as "de facto" continues to seriously undermine the established UN parameters such as political equality of the two peoples and the principle of equal footing, on which the UN negotiation process rests, and therefore should be avoided.

References in Paragraphs 10 and 11, citing the declarations and reservations of Turkey in face of ratifications of International Convention on the Elimination of All Forms of Racial Discrimination and International Covenant on Civil and Political Rights, create the impression that Turkey has an authority and jurisdiction in Cyprus and that it prevents implementation of human rights in Cyprus. Bearing in mind that the only development during the reporting period has been the submission of 4th, 5th and 6th reports to the Committee on Elimination of All Forms of Racial Discrimination by Turkey, it is obvious that inclusion of these references in the report are irrelevant and does not have a place in a report which deals with human rights. Moreover, references to observations of human rights bodies which were made prior to the reporting period, constitute a factual error, as well as contradict with the United Nations principle of impartiality. We, therefore, expect the future reports to refrain from such references.

In Paragraph 15, where recent information is provided regarding the work of the Committee of Missing Persons (CMP), it is stated that "authorization to excavate a second military area was given by the Turkish Forces". Considering that it is a well-known fact by the United Nations and other relevant parties that the relevant counterpart in the North within the Committee of Missing Persons is the Turkish Cypriot authorities, referring to the "Turkish Forces" is a factual mistake. It should also be noted that there is already a reference to Turkish Cypriot authorities in the subsequent sentence of the said paragraph.

It is disappointing that the expectation of the Turkish Cypriot side, as in the previous year regarding inclusion of incidents of racist attacks towards the Turkish Cypriots by the Greek Cypriots under the subsection "Non-discrimination" has not been met. It is most crucial to share the relevant examples in this regard below:

The Greek Cypriot daily newspaper Filelefitheros reported on 2 September 2013 that Mr. Kirakos Kenevezos, the Greek Cypriot Minister of Education, had announced that the 2013-2014 education term in South Cyprus should include the notion of the Cyprus problem and also stated that it had been decided to name the slogan of the upcoming educational term as "I recognize, I don't forget, I demand." The Greek Cypriot Education Minister noted that this decision had been given due to the 40th anniversary of the 1974 Turkish peace operation in Cyprus and added that the necessary directive had been sent to all teachers. The newspaper reported that the decision of Mr. Kenevezos aimed at making the students recognize their country, not to forget the so-called "occupied territories" and to demand their "independence". The Greek Cypriot Ministry of Education had stated that the main objective of the education programme was to keep the memory of the so-called "occupied" cities and villages alive by trying to visualize their images.

This decision of the Greek Cypriot side is the most notable and the most significant example of the extent to which it can infuse the young brains with hatred and enmity.

It is a universally accepted fact that textbooks, in general, should not promote feelings of intolerance and animosity. In the case of Cyprus, it is imperative that all concerned should help promote the establishment of friendly and constructive relations between the two peoples on the Island necessary for creating an atmosphere conducive to a comprehensive settlement. In this spirit, the Turkish Cypriot side approaches the issue of textbooks with great sensitivity and has, in the past years, revised all its textbooks ensuring that they contain no elements of hatred or intolerance. However, it is unfortunate that the Greek Cypriot textbooks still contain material which are offensive to the Turkish Cypriots and which incite feelings of animosity amongst Greek Cypriot children towards Turkish Cypriots. Given the vital role of our youths in the future of the Island, one must acknowledge that such material should be eradicated from textbooks and replaced with materials conducive to tolerance and reconciliation.

The Greek Cypriot newspaper, Politis, reported on 18 January 2014 that a 16 year-old student of Limassol Technical School was beaten by 6 of his fellow students and hospitalized on Thursday, 16 January, for distributing brochures written in Turkish at an event which took place within the framework of a bi-communal trip to Troodos. The trip was organized by EDON, the Youth Wing of the Greek Cypriot political party AKEL. It is also reported that the incident was notified to the police but that the police remained inactive, claiming that a complaint was not issued by the student. The incident was described as an act of fascism by AKEL, which also pointed out that such incidents are no longer isolated and should not remain unpunished. EDON, which also made a statement following the incident, is reported to have expressed that it was shocking that the Greek Cypriot administration remained passive in the face of such occurrences. Despite such statements condemning this act, it is apparent once again that the authorities of South Cyprus refrain from taking any measures to prevent or punish such despicable acts of violence which stem from hatred towards Turkish Cypriots, even among the younger generation.

The rise in ethnically motivated attacks on Turkish Cypriots and people of other nationalities is also a major source of concern in South Cyprus. The most striking example of these racially motivated incidents is the attack against the Former Turkish Cypriot President Mehmet Ali Talat, on 26 March 2014, at a conference held in Limassol, South Cyprus. Turkish and Greek Cypriot press reports stated that more than a hundred members of the far-right ELAM organization burst into the conference hall where Mr. Talat was present as a speaker at a panel at which the US Ambassador on the Island was also present, high level Greek Cypriot officials, academics and officials from the European Commission.

In light of the aforementioned facts and examples, it is relevant to note that even the Greek Cypriot press has been reporting on the increase in racist tendencies in South Cyprus over time. According to a study which was published in Fileleftheros newspaper in March 2014, the Anti-Racism Unit of the Greek Cypriot Ombudsman reported that over the period of time, there had been a distinct increase in racism and animosity towards foreigners. Mr. Aristos Chartas, President of the Unit, reported that from 2004 to 2013, a total of 1,273 racism-related complaints were lodged to the unit. Mr. Chartas was also reported stating that in the year 2012 alone, among the 125 people who filed complaints, 53 were European citizens, 36 were third country nationals, 25 were Greek Cypriot, 10 were Turkish Cypriot and 1 was a person who had acquired Greek Cypriot citizenship. According to the study, Chartas further specified that among the same 125 complaints, 85 were incidents related to discrimination based on ethnic origin, 13 on gender, 5 on religious affiliation, 5 on disability, another 5 on age, 4 on sexual orientation, 1 on language and 6 on more than one of the abovementioned combined. Similarly, Greek Cypriot daily Haravgi newspaper also

published an article entitled "Incidents of Racism are Increasing", stating that the economic crisis conditions and unemployment in South Cyprus were causing an increase in racially motivated incidents, that such incidents had been occurring on a daily basis and that they were being perpetuated by extreme right-wing fascist groups.

Most recently, the Turkish Cypriot and Greek Cypriot media reported that a Greek Cypriot footballer - Dimitris Vasiliu, who has come under fire in the recent days for being transferred to Değirmenlik football team in North Cyprus, has been declared a traitor in South Cyprus. First reactions against the footballer appeared in the social media. Later some Greek Cypriot fanatics invaded Vasiliu's home and shouted 'Traitor Dimitris'. Greek Cypriot police had to disperse the crowd from Vasiliu's home. In his statement, Dimitris Vasiliu said that he is not a traitor and he wants to be a 'peace envoy' for paving the way for uniting football in the Island. Vasiliu who gave an interview to the Greek internet newspaper 'gazetta.gr', said "I admit sincerely that if I knew that my transfer would make such a fuss, I would not have transferred. I wanted to go there only to play football, football is my hobby, I love football and do not want to give up football". Vasiliu said that he was welcomed in North Cyprus but he and his family were insulted, accused and had rough times in the South.

The Greek Cypriot daily Filelefiheros s news item is shocking. It reported that after the news about his transfer to Değirmenlik Sports Club broke out and caused heavy criticisms, Vasiliu who works in a public economic enterprise in South Cyprus was asked to make an explanation. Furthermore Filelefiheros reported that, Marios Lefkaritis, Co-chairman of UEFA and Honorary President of Greek Cypriot Football Federation (KOP), was very annoyed by Vasiliu's transfer to Değirmenlik football team and said that it was totally unacceptable, and such actions were forbidden until a solution to the Cyprus problem is achieved. On the other hand, Emirali Öztüccar, the Chairman of Değirmenlik Football Club stated that the Club transfered Vasiliu to support the process going on between the two sides' football federations in order to unite football in the Island. Öztüccar expressed his wishes that the tension would end and that Vasiliu play in their team.

Most recently, the well-known Greek Cypriot fascist youth organisation ELAM (National Popular Front) initiated a protest on 15 November 2014 on the occasion of the 31st anniversary of the establishment of the Turkish Republic of Northern Cyprus, during which banners bearing hateful slogans were carried and the Turkish Cypriot flag was burned by the protestors. Protestors also threw stones to the North across the Ledra Palace border, demonstrative of the utter intolerance of the existence of the TRNC by Greek Cypriot youths.

With regards to the healthcare of the Greek Cypriot and Maronite residents in the North, we welcome the inclusion in paragraph 25 of the current healthcare situation in our country.

The most recent developments regarding religious freedom which are reflected in paragraph 38 is testimony to the good-will of the Turkish Cypriot side on the issue of religious freedom. However, as regards the names of the new sites opened for worship in the North, it is observed that the name of Church of Ayia Marina in Değirmenlik/Kythrea is omitted from the Report.

I wish to bring to your kind attention the procedure followed by the Turkish Cypriot side in face of the claims in Paragraph 40 that the Turkish Cypriot side did not approve several requests to hold religious services in certain religious sites. The Turkish Cypriot side evaluates the requests based on four conditions: firstly, the day of the requested service to be a religiously significant day; secondly, the physical condition of the religious site should be suitable to host a religious service; thirdly, the site should not already be in use as a cultural facility and lastly, the religious site should not be situated in a military zone.

Nonetheless, the Turkish Cypriot side grants utmost importance to facilitate all requests possible and continues to facilitate requests to hold services at three churches situated in military zones.

It is also important to remind that the Turkish Cypriot side established a mechanism where permission is readily granted when the right channels are followed. According to the established practice, Maronites and Greek Cypriots residing in the TRNC communicate their request for the holding of a religious service to the District Officer and those residing in South Cyprus communicate their request to UNFIC YP. In both cases these requests are then conveyed to the Ministry of Foreign Affairs of the TRNC.

As regards the ceremony on 31 May 2014 at the Maronite St. Antonis Chapel in Degirmenlik/Kythrea, it should be acknowledged that no application was conveyed to the TRNC Ministry of Foreign Affairs through the District Officer or UNFICYP. As the said ceremony was conducted without adhering to the customary application procedure required for the holding of a religious service, the Turkish Cypriot police officers had no other option but to request the mass to be completed in the shortest possible time, but to no avail. Therefore, the police suggested the ending of the ceremony at St. Antonis Chapel and for the service to be conducted at the village of Koru5am/Kormakitis where the Maronites reside.

However, following the fulfillment of the established application procedure, a religious ceremony at the Maronite St. Antonis Chapel was conducted on 9 July for the first time. The said ceremony which was led by Youssef Soueif, the Archbishop of the Maronites, took place without hindrance.

It is therefore unfortunate that this event is being used in order to downplay the good-will shown by the Turkish Cypriot side towards the Maronites and the Greek Cypriots to conduct liturgies in churches and monasteries situated in the Turkish Republic of Northern Cyprus.

Despite the good-will displayed by the Turkish Cypriot side on the issue of religious freedom, it should be noted that the Greek Cypriot side is continuing its restrictive policies. The Greek Cypriot side did not allow the crossing of Vadili village residents through the Beyarmudu crossing point to visit Hala Sultan Mosque during the Bayram Holiday (Eid) on 5-6 October 2014 for prayers. The village residents were instead diverted to Metehan crossing point in Nicosia, causing unnecessary hardship and ultimately dissuading them from visiting the holy site to carry out their religious practice.

Concerning the references to geographical places in Paragraph 38 and Paragraph 40 solely with their Greek names, I would like to stress that Cyprus is the common home of both the Turkish Cypriot people and the Greek Cypriot people where a great number of locations enjoy both Turkish and Greek names. Therefore, references to such places without indication of their Turkish names are unacceptable. In this case, the Turkish names should be indicated for the sake of consistency, similar to the approach followed in Paragraph 41.

I would like to take this opportunity to emphasize that the Turkish Cypriot side reiterates its strong commitment to continue its efforts for promoting human rights in North Cyprus.

I hope and trust that in the interest of reflecting a more objective and balanced account of the situation vis-a-vis the issue of human rights in Cyprus, the views and observations of the Turkish Cypriot side will be duly taken into consideration and would be reflected accordingly in future Reports of the Human Rights Council.

(*Signed*) Özdil Nami

Minister of Foreign Affairs